

type airplanes) or a nontransport category airplane certificated after December 31, 1964, unless approved airborne weather radar equipment has been installed in the airplane.

(b) [Reserved]

(c) Each person operating an airplane required to have approved airborne weather radar equipment installed shall, when using it under this part, operate it in accordance with the following:

(1) *Dispatch*. No person may dispatch an airplane (or begin the flight of an airplane in the case of a certificate holder, that does not use a dispatch system) under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

(2) If the airborne weather radar becomes inoperative en route, the airplane must be operated in accordance with the approved instructions and procedures specified in the operations manual for such an event.

(d) This section does not apply to airplanes used solely within the State of Hawaii or within the State of Alaska and that part of Canada west of longitude 130 degrees W, between latitude 70 degrees N, and latitude 53 degrees N, or during any training, test, or ferry flight.

(e) Notwithstanding any other provision of this chapter, an alternate electrical power supply is not required for airborne weather radar equipment.

[Doc. No. 6258, 29 FR 19205, Dec. 31, 1964, as amended by Amdt. 121-18, 31 FR 5825, Apr. 15, 1966; Amdt. 121-130, 41 FR 47229, Oct. 28, 1976; Amdt. 121-251, 60 FR 65932, Dec. 20, 1995]

§ 121.358 Low-altitude windshear system equipment requirements.

(a) *Airplanes manufactured after January 2, 1991*. No person may operate a turbine-powered airplane manufactured after January 2, 1991, unless it is equipped with either an approved airborne windshear warning and flight guidance system, an approved airborne detection and avoidance system, or an

approved combination of these systems.

(b) *Airplanes manufactured before January 3, 1991*. Except as provided in paragraph (c) of this section, after January 2, 1991, no person may operate a turbine-powered airplane manufactured before January 3, 1991 unless it meets one of the following requirements as applicable.

(1) The makes/models/series listed below must be equipped with either an approved airborne windshear warning and flight guidance system, an approved airborne detection and avoidance system, or an approved combination of these systems:

- (i) A-300-600;
- (ii) A-310—all series;
- (iii) A-320—all series;
- (iv) B-737-300, 400, and 500 series;
- (v) B-747-400;
- (vi) B-757—all series;
- (vii) B-767—all series;
- (viii) F-100—all series;
- (ix) MD-11—all series; and

(x) MD-80 series equipped with an EFIS and Honeywell-970 digital flight guidance computer.

(2) All other turbine-powered airplanes not listed above must be equipped with as a minimum requirement, an approved airborne windshear warning system. These airplanes may be equipped with an approved airborne windshear detection and avoidance system, or an approved combination of these systems.

(c) *Extension of the compliance date*. A certificate holder may obtain an extension of the compliance date in paragraph (b) of this section if it obtains FAA approval of a retrofit schedule and show continued compliance with that schedule, a certificate holder must do the following:

(1) Submit a request for approval of a retrofit schedule by June 1, 1990, to the Flight Standards Division Manager in the region of the certificate holding district office.

(2) Show that all of the certificate holder's airplanes required to be equipped in accordance with this section will be equipped by the final compliance date established for TCAS II retrofit.

(3) Comply with its retrofit schedule and submit status reports containing information acceptable to the Administrator. The initial report must be submitted by January 2, 1991, and subsequent reports must be submitted every six months thereafter until completion of the schedule. The reports must be submitted to the certificate holder's assigned Principal Avionics Inspector.

(d) *Definitions.* For the purposes of this section the following definitions apply—

(1) *Turbine-powered airplane* includes, e.g., turbofan-, turbojet-, propfan-, and ultra-high bypass fan-powered airplanes. The definition specifically excludes turbopropeller-powered airplanes.

(2) An airplane is considered manufactured on the date the inspection acceptance records reflect that the airplane is complete and meets the FAA Approved Type Design data.

[Doc. No. 25954, 55 FR 13242, Apr. 9, 1990]

§ 121.359 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.

(b) [Reserved]

(c) The cockpit voice recorder required by paragraph (a) of this section must meet the following application standards:

(1) The requirements of part 25 of this chapter in effect on August 31, 1977.

(2) After September 1, 1980, each recorder container must—

(i) Be either bright orange or bright yellow;

(ii) Have reflective tape affixed to the external surface to facilitate its location under water; and

(iii) Have an approved underwater locating device on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact, unless the cockpit voice recorder, and the flight recorder required by §121.343, are in-

stalled adjacent to each other in such a manner that they are not likely to be separated during crash impact.

(d) No person may operate a multien-gine, turbine-powered airplane having a passenger seat configuration of 10–19 seats unless it is equipped with an approved cockpit voice recorder that:

(1) Is installed in compliance with §23.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g); §25.1457(a) (1) and (2), (b), (c), (d), (e), (f), and (g) of this chapter, as applicable; and

(2) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.

(e) No person may operate a multien-gine, turbine-powered airplane having a passenger seat configuration of 20 to 30 seats unless it is equipped with an approved cockpit voice recorder that—

(1) Is installed in compliance with §23.1457 or §25.1457 of this chapter, as applicable; and

(2) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.

(f) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(g) For those aircraft equipped to record the uninterrupted audio signals received by a boom or a mask microphone, the flight crewmembers are required to use the boom microphone below 18,000 feet mean sea level. No person may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines manufactured after October 11, 1991, or on which a cockpit voice recorder has been installed after October 11, 1991, unless it is equipped to record the uninterrupted audio signal received by a boom or mask microphone in accordance with §25.1457(c)(5) of this chapter.

(h) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under part 830 of its regulations, which results in the termination of the flight, the certificate